

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-6 and 8-10 are currently being prosecuted. The Examiner is respectfully requested to reconsider her rejections in view of the amendments and remarks as set forth below.

Entry of Amendment

Applicants submit that entry of this amendment and full consideration thereof is appropriate since it is being submitted with a Request for Continued Examination.

Rejection under 35 U.S.C. 103

Claims 1-11 stand rejected under 35 U.S.C. 103 as being obvious over Wittman (US Pat. No. 5,667,737) in view of Sugiyama (US Pat. No. 4,798,010). This rejection is respectfully traversed.

The Examiner states that Wittman shows an article of footwear with a shell and a leg piece having a composite structure forming two layers with different mechanical properties. The Examiner admits that this reference does not teach the shape of the interconnected overlapping transition areas as having ribs to form a truss-like pattern. The Examiner relies on Sugiyama to show a footwear assembly having hard and soft elastic layers with intersecting complimentary ribs. The Examiner feels that one of ordinary skill in the art could shape the transition areas of Wittman with ribs as is taught by Sugiyama.

Applicant submits that the present amended claims are not obvious over this combination of references. First, claim 1 has been amended to make it clear that the composite structure is in the shell which is separate from the sole of the footwear. At the same time, both the inner and outer surfaces of the shell are uniform and substantially smooth. The Wittman reference shows the outer surfaces having different types of resin materials. However, this reference does not show other features of the invention, as admitted by the Examiner. However, the Sugiyama reference shows two layers having a wavy configuration in order to soften the shocks applied to the user of the sports shoe. It does not provide ribs for stiffening and does not provide uniform smooth surfaces of the shell. Applicant submits that even if these two references are combined they still do not teach the present claimed invention since the individual references do not teach the same features. Accordingly, Applicants submit that claim 1 is allowable.

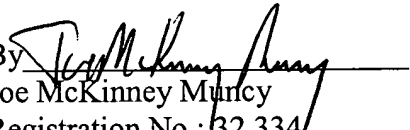
Claims 2-6 and 8-10 depend from claim 1 and as such are also considered to be allowable. In addition, each of these claims recite other features that make them additionally allowable. For example, claim 3 describes the stiffening ribs which increase the moment of inertia and that the ribs are integral and project from the surface with no increase in thickness. Applicants submit that this claim is likewise not seen in the references. Furthermore, Applicants submit that the remaining references likewise show other features that make them additionally allowable.

Conclusion

In view of the above Remarks, it is believed that the claims clearly distinguish over the patents provided by the Examiner either alone or in combination. In view of this, reconsideration of the rejection and allowance of all the claims are respectfully requested.

Dated: July 27, 2006

Respectfully submitted,

By 
Joe McKinney Muricy
Registration No.: 32,334
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant